

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

## **CLAIM CONSTRUCTION ORDER**

The Court construes the terms of U.S. Patent No. RE 46,725 (the “‘725 Patent”), U.S. Patent No. RE47,695 (the “‘695 Patent”), U.S. Patent No. 9,435,333 (the “‘333 Patent”), U.S. Patent No. RE49,083 (the “‘083 Patent”), U.S. Patent No. RE49,140 (the “‘140 Patent”), U.S. Patent No. RE49,155 (the “‘155 Patent”), and U.S. Patent No. RE49,156 (the “‘156 Patent”) as follows:

Disputed Term	Court's Final Construction
“maximum working pressure”	Not indefinite. Plain and ordinary meaning.
(’333 Patent Claims 1, 5, 9)	
“providing power” / “provides power”	Plain and ordinary meaning.
(’725 Patent Claims 87, 89, 93)	
“wherein the natural gas is used to power” /	Plain and ordinary meaning.
“wherein natural gas ... is used to power”	
(’695 Patent Claims 41, 56, 80, 107)	
“wherein gravity at least partially directs ...	Plain and ordinary meaning.
to the blender”	
(’695 Patent Claims 29, 58, 84)	
“further comprising providing and	Plain and ordinary meaning.

transferring a liquid additive to the blender using at least gravity”  (’083 Patent Claim 43)	
“wherein natural gas obtained from a field on which the subterranean operation is being performed” / “wherein the natural gas is obtained from a field on which at least a portion of the subterranean operation is performed”  (’695 Patent Claims 42, 56, 108)	Plain and ordinary meaning. “a field” means “an area on the same individual geological structural feature and/or stratigraphic condition”
“conditioning natural gas obtained from a field on which the fracturing operation is being performed”  (’155 Patent Claim 27)	Plain and ordinary meaning. “a field” means “an area on the same individual geological structural feature and/or stratigraphic condition”
“derived from natural gas obtained from a field on which the fracturing operation is performed”  (’156 Patent Claims 30, 37, 43, 48)	Plain and ordinary meaning. “a field” means “an area on the same individual geological structural feature and/or stratigraphic condition”

The Court construes the terms of U.S. Patent No. 7,836,949 (the “’949 Patent”), U.S. Patent No. 7,574,325 (the “’325 Patent”), U.S. Patent No. 7,841,394 (the “’394 Patent”), U.S. Patent No. 11,035,213 (the “’213 Patent”), U.S. Patent No. 11,085,282 (the “’282 Patent”), U.S. Patent No. 11,373,058 (the “’058 Patent”), U.S. Patent No. 11,377,943 (the “’943 Patent”), and U.S. Patent No. 11,136,870 (the “’870 Patent”) as follows:

Disputed Term	Court’s Final Construction
“comparing at least some of the signals” / “comparing said first and second estimates”  (’325 Patent Claims 1, 16)	Plain and ordinary meaning.
“comparing” / “compare”  (’213 Patent Claims 1, 8, 14)	Plain and ordinary meaning.
“switching from a first mode of operation to a second mode of operation”  (’325 Patent Claim 18)	Plain and ordinary meaning.

“sensing an output rate from a pumping system” / “a pumping system with an output rate sensor”  (’949 Patent Claims 1, 8)	“a pumping system” means “one or more pumps configured to move well treatment fluid”
“produce a drive signal to the pumping system”  (’949 Patent Claims 1, 2, 8)	“a pumping system” means “one or more pumps configured to move well treatment fluid”
“virtual rate control system” / “virtual rate control”  (’949 Patent Claims 1, 2, 8, 9, 12, 14)	<b>AGREED:</b> “computer-implemented rate control system”
“manufactures” / “manufacturing”  (’394 Patent Claims 1, 23, 24, 25, 26, 27)	Not indefinite. Plain and ordinary meaning.
“generating a sequence of stimuli” / “generate a sequence of stimuli”  (’058 Patent Claims 1, 9, 16)	Plain and ordinary meaning.
“excessive heat”  (’870 Patent, Claim 7)	Not indefinite. Plain and ordinary meaning.

A memorandum in support of this Claim Construction Order will be forthcoming, and any deadlines to submit objections to the District Court will begin from the date of that Order..

SIGNED this 27th day of July, 2023.



DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE